



10-36-03

RCE/3622

PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<i>Application Number</i>	09/536,727
<i>Filing Date</i>	3/28/2000
<i>First Named Inventor</i>	MICHAEL T. ROSSIDES
<i>Art Unit</i>	3622
<i>Examiner Name</i>	YEHDEGA RETTA
<i>Attorney Docket Number</i>	

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply

ii.  Affidavit(s)/ Declaration(s)

iii.  Information Disclosure Statement (IDS)

iv.  Other return receipt postcard

**2. Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a

a.  period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a.  Deposit Account No. \_\_\_\_\_

i.  RCE fee required under 37 CFR 1.17(e)

ii.  Extension of time fee (37 CFR 1.136 and 1.17)

iii.  Other \_\_\_\_\_

b.  Check in the amount of \$ 385 \_\_\_\_\_ enclosed

c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	MICHAEL T. ROSSIDES	Registration No. (Attorney/Agent)
Signature	<u>MICHAEL T. ROSSIDES</u>	Date 10/22/03 10/28/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	MICHAEL T. ROSSIDES	Date
Signature	<u>MICHAEL T. ROSSIDES</u>	10/22/03 10/28/03

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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#16/My for  
#16/reconsideration  
11-6-03  
Lynn



28  
10/22/2003

Re: Application 09/536,727  
Examiner: Yehdega Retta  
Art Unit: 3622

## REQUEST for CONTINUED EXAMINATION

### INTRODUCTION

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Dear Examiner Retta:

Regarding application 09/536,727, the Office Action of 10/08/2003 denied Applicant's request for reconsideration stating:

*"entering an amount of money to be owed if they pay attention to a specific ad message, changes the scope of the limitation therefore, requires further search/consideration."*  
[Italics added]

Applicant requests continued examination of application 09/536,727 for several reasons:

1. Examiner has stated that the application requires further search/consideration.
2. The objection/rationale above was not mentioned to the Applicant until the Action of 10/08/2003, although almost the exact line above has existed in all the Applicant's claims since claim 4, submitted 01/28/03. Further, all Applicant's previous claims include a statement that is synonymous with the italicized statement above, all disclosing an offer with an associated EV payment for attention to a message. Thus, due to the timing of

Examiner's objection, Applicant has not had a chance during the first examination to respond to possible issues raised.

3. Examiner also rejected submitted claims 4-6 based on prior art. Applicant responded to this prior art, but Examiner did not consider the content of Applicant's arguments because Applicant presented the wrong type of arguments (see Action of 08/01/2003).
4. Applicant made a corrected attempt to discuss prior art (see submission of 09/08/2003) but this attempt was not responded to because Examiner found, in the Action of 10/08/2003, that Applicant's claim required further search/consideration, as discussed.

If additional search/consideration is necessary, Applicant appreciates Examiner's efforts.

In any case, Applicant requests that the Examiner review Applicant's discussion (first submitted on 09/08/2003) showing how Applicant's invention differs from the currently applied prior art.

As instructed by Examiner, Applicant has described "what the prior art does not teach or suggest as claimed by applicant's invention," pointing out the patentable novelty in view of the state of the art disclosed by the references cited, as required by 37 CFR 1.111c.

Applicant re-submits this discussion of prior art below.

#### CONTENTS of this REQUEST for CONTINUED EXAMINATION

NEW CLAIM 7	3-4
REMARKS on REVISIONS	5-6
REMARKS on the PRIOR ART	7-13
Illustrative Example	13-14
Signature	15